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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.790 OF 1999

M/s.Indabrator Limited Petitioner
versus
M/s.Patheja Forgings and
Auto Parts Mfts. Limited Respondent

M.G.Mimani for petitioner.
None for respondent.

CORAM : A.M.KHANWILKAR, J.

DATE : 10th December 2007

PC :

1. This petition is pending for admission since 1999. The counsel for the petitioners submits that the petitioner company has merged with NESDO Limited for which reason the petitioners will have to amend the present petition. It is, however, fairly accepted that the said development had taken place in 2004 itself. The petitioners were expected to amend the petition if they so desired soon thereafter. The petitioners have not bothered to carry out the amendment in spite of the fact that the present petition was notified on 21st November 2007 when

MST

it was indicated that the petition will be heard today. However, the petitioners have not chosen to take any steps in spite of that. The petition can be dismissed for non prosecution on this ground alone. However, by way of indulgence, the petitioners are granted time to carry out necessary amendment. That be done within two weeks from today failing which the petition to stand dismissed for non prosecution without further reference to the Court. The above indulgence is shown on the condition that the petitioners shall pay costs quantified at Rs.7,500/- (Rs.Seven thousand five hundred only) to the High Court Legal Services Authority within one week from today and produce acknowledgement in the office, failing which the office to proceed on the assumption that the present petition is dismissed for non prosecution without further reference to the Court. If above steps are taken, the matter be listed on 30th January 2008.

(A.M.KHANWILKAR, J.)